

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HERMAN TIEMENS, JR., P-64862,)	
)	
Petitioner,)	No. C 10-5299 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
KATHLEEN DICKINSON, Warden,)	
)	
Respondent.)	

Petitioner, a state prisoner incarcerated at the California Medical Facility, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was dismissed as untimely under 28 U.S.C. § 2244(d) on June 12, 2008. See Tiemens v. Hubbard, No. C 07-3122 CRB (PR) (N.D. Cal. June 12, 2008) (order granting motion to dismiss).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: Nov. 30, 2010



CHARLES R. BREYER
United States District Judge